

**Remarks**

After entry of the amendment, claims 61 and 63-65 are pending.

Claims 62 and 70-72 have been canceled without prejudice. Applicants reserve the right to file divisional applications directed to this subject matter.

Applicants respectfully submit that the pending claims are broader than, and do not interfere with, the claims in U.S. Patent No. 6,306,841. In particular, the claims in U.S. Patent No. 6,306,841 require "administering to the vagina, vulvar area and/or urethra of the individual," while the pending claims are not so limited.

No issues of new matter should arise and entry of the amendment is respectfully requested.

**A. Priority**

According to the Office Action at ¶¶ 3-4, Applicants' claim priority for under § 102 has been denied for:

1. PCT US 97/01294 (1/97, published as WO 97/27749);
2. U.S. Application No. 08/714,313 (9/96) (U.S. Patent No. 5,994,294); and
3. U.S. Application No. 08/595,732 (2/96) (U.S. Patent No. 5,932,538).

Applicants respectfully traverse this determination and respectfully submit that the present claims are at least entitled to priority under § 102 to PCT/US97/01294 and US Application No. 08/714,313.

In the Office Action for the pending application dated January 22, 2002, at page 3, lines 1-2, the Examiner withdrew the new matter rejection for treating **female impotence** with an S-nitrosothiol compound in view of Applicant's arguments, declaration and general incorporation by reference filed on September 26, 2001. Applicant's argued, and the Examiner agreed, that the term "female impotence" was clearly described in the priority US Application No. 08/714,313 filed September 18, 1996, because the term "human impotence" described in US Application No. 08/714,313 included "male impotence" and "female impotence." In withdrawing the new matter rejection the Examiner agreed that the present application was properly entitled to the priority date of September 18, 1996.

Priority US Application No. 08/714,313 is **identical** to priority PCT/US97/01294, except that PCT/US97/01294 contains an additional working example at page 62, line 6 to page 63, line 20. Accordingly, the present application is properly entitled to the priority date of January 28, 1997, for PCT/US97/01294.

In view of the above, Applicants respectfully request reconsideration of the priority determination and respectfully submit that the application is properly entitled to the priority dates of September 18, 1996, and January 28, 1997.

**B. Rejection under 35 U.S.C. § 102(e)**

Claims 61-65 and 70-72 are rejected under 35 U.S.C. § 102(e) as obvious over Place et al (U. S. Patent No. 6,306,841, with an effective filing date of October 28, 1997).

In view of the fact that the present claims are entitled to the priority dates of September 18, 1996, and January 28, 1997 (as previously acknowledged by the Examiner in the Office Action dated January 22, 2002), Applicant's respectfully submit that Place is not prior art to the present claim. In view thereof, Applicants respectfully request that the rejection under § 102(e) be withdrawn.

**C. Rejection under 35 U.S.C. § 103**

Claims 61-65 and 70-72 are rejected under 35 U.S.C. § 103 as obvious over Place et al (U. S. Patent No. 6,306,841 with an effective filing date of October 28, 1997) in view of Stamler et al (WO 92/17445, U. S. Patent No. 5,380,758 with an effective filing date of September 14, 1992).

In view of the fact that the present claims are entitled to the priority dates of September 18, 1996, and January 28, 1997 (as previously acknowledged by the Examiner in the Office Action dated January 22, 2002), Applicant's respectfully submit that Place is not prior art to the present claim.

Since the primary reference is not prior art to the pending claims, the obviousness rejection must be withdrawn because the secondary reference, by itself, does not render the pending claims obvious.

In view thereof, Applicants respectfully request that the rejection under § 103 be withdrawn.

**D. Obviousness-Type Double Patenting Rejection**

Claims 61-65 and 70-72 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 100-114 of co-pending Application No. 09/850,081 (now allowed).

Applicants submit a Terminal Disclaimer herewith and respectfully request that this rejection be withdrawn.

**E. Information Disclosure Statement**

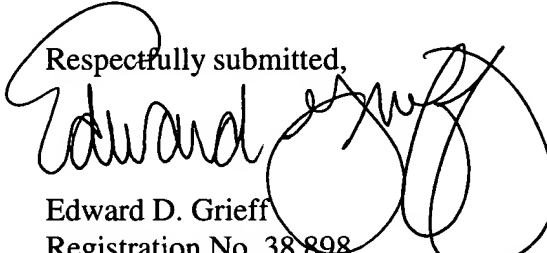
Applicants respectfully request that the Examiner acknowledge the IDS filed December 17, 2003, and provide Applicants with an initialed copy of the 2 PTO-1449 Forms with the next communication from the Office.

**F. Conclusions**

Applicants respectfully request reconsideration and allowance of the pending claims 61 and 63-65.

Examiner Celsa is encouraged to contact the undersigned at 202-942-8453 concerning any questions about the present application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Edward D. Grieff", is written over the typed name and registration number. The signature is stylized with large, fluid loops.

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Date: January 12, 2004  
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